



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

HARRISON & WIFE V. MANSON & OTHERS.—Decided at Richmond, February 3, 1898.—*Keith, P.* Absent, *Cardwell, J.*

1. **UNLAWFUL DETAINER**—*Fraudulent conveyance*—*Bill in equity*—*Election of remedies*. A judgment against the defendant in an action of unlawful detainer is no bar to his right to institute a suit in chancery against the plaintiff to set aside on the ground of fraud, the deed under which he claims the land in controversy. The doctrine of election of remedies has no application.

2. **TRUSTS AND TRUSTEES**—*Trustee purchaser at his own sale*. A trustee cannot purchase the trust subject at his own sale, either for himself or as agent for another. The sale will be set aside, although the price obtained was fair, or the best to be had, and the motive of the trustee pure.

3. **TRUSTS AND TRUSTEES**—*Trustee purchaser*—*Sale set aside*—*Measure of relief to trustee*. Where a sale made by a trustee is set aside, at the instance of the grantors in the deed of trust, solely on the ground that the trust subject was purchased by the trustee at his own sale, the trustee is entitled to be reimbursed the amount paid by him, and may hold the legal title to the trust subject as security for the amount. He is entitled to interest and the value of his permanent improvements, if any, and is to be charged with rents and profits.

FRANKLIN V. PEERS, CLERK, & C.—Decided at Richmond, February 3, 1898.—*Riely, J.* Absent, *Cardwell, J.*

1. **APPEALS AND ERROR**—*Controversy ended*—*Extrinsic evidence*—*Dismissal*. Whenever it appears from the record, or is shown by extrinsic evidence, that there is no controversy existing between the litigants, or, if it once existed, it has been settled or ceased to exist, the writ of error or appeal will be dismissed. Courts do not sit to decide moot questions.

SHIPMAN V. FLETCHER'S ADM'R.—Decided at Richmond, February 3, 1898.—*Buchanan, J.* Absent, *Cardwell, J.*, and *Keith, P.*

1. **APPEALS AND ERROR**—*Amount in controversy*—*Costs*. This court is not deprived of jurisdiction of an appeal on the ground that it is from a decree for costs only, where it appears that it was for costs of an entirely different proceeding, and the amount exceeds \$500.

2. **COSTS**.—*Interest on*. If a defendant in a judgment for costs enjoins the collection of the judgment upon grounds which do not affect its validity, or furnish any foundation for restraining the plaintiff from prosecuting to judgment his claim, although it may be proper to stay its payment, he is liable for interest on the judgment from the time the injunction was granted.

3. **COSTS**—A defendant who is properly enjoined from collecting a debt, though not from prosecuting it to judgment, is liable for the costs of the injunction proceedings.

WARE V. BANKERS LOAN & INVESTMENT CO.—Decided at Richmond, March 17, 1898.—*Keith, P.* Absent, *Riely* and *Cardwell, JJ*

1. **APPEALS AND ERROR**—*Amount in controversy*. The amount in controversy in this cause as to the appellee is the difference between the amount claimed by